

### REMARKS

Applicants appreciate the consideration given by the Examiner in the Office Action mailed on November 29, 2007. Applicants respectfully traverse the rejections, and request reconsideration in view of the comments below.

#### Claim Rejections Under 35 U.S.C. § 103(a)

By way of summary, claims 1-3, 5, 7-9, and 11-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, U.S. Patent Application Publication 2003/0049022 (hereinafter “Lee”) in view of Clapper, U.S. Patent 6,925,602 (hereinafter “Clapper”). Claims 4, 6, and 10 stand rejected under § 103(a) as being unpatentable over Lee in view of Clapper and further in view of Shiiyama, U.S. Patent Application Publication 2003/0026594 (hereinafter “Shiiyama”). Applicants respectfully traverse each of these rejections. Through this filing, claims 1-2 and 7-8 are currently amended, claims 4-6 are previously presented, and claims 10-11 are original. Claims 3, 9, and 12-15 are canceled while claims 16-17 are new. Claims 1-2, 4-8, 10-11, and 16-17 are therefore currently pending.

Applicants have previously asserted that embodiments of the present invention are distinguishable over the prior art. Initially, Applicants maintain that Lee does not disclose the first feature of claims 1 and 7. This feature relates to:

“*extracting individual frame images as index images from the moving image at a regular interval;*”

By way of explanation, Lee does not disclose a *moving image*. Lee teaches only audio tracks and still pictures stored for each audio track in DVD format. See Lee at paragraphs 5 and 7. Thus there is no *moving image* from which individual frame images can be *extracted*. Lee merely locates the still photographs stored with each audio track and displays them.

Related to this argument, Applicants maintain the argument that Lee neither teaches nor suggests:

“...displaying the index images in a divided display area, the first display device changing the number to divide the display area by in accordance with the number of the index images extracted from the moving image of the predetermined length;”

The Examiner indicates that he disagrees, arguing that the video scaler 180 in Lee divides the display according to the number of still pictures determined by control unit 170. See final Office Action, page 2, reference numeral 2. Applicants do not contest that Lee divides a display area by a number of still pictures. Rather, Applicants assert that a distinction between Lee and embodiments of the present invention is that Lee does not disclose a total number of index images extracted at a regular interval. That is to say, Lee may divide a display area by the number of still images residing on an audio track, but this is not equivalent to a total number of images extracted over a time period. Quite simply put, the features of the present invention as recited in claims 1 and 7 distinguish the claimed invention over the primary reference Lee.

A second issue related to the § 103(a) rejections relates to the motivation for combining Lee with Clapper. As argued previously, Lee and Clapper are responsive to different problems. It is thus submitted that the combination of these references to produce the present claimed invention would not be obvious

Lee is directed to a method of displaying high quality still pictures contained in a DVD audio disk. Clapper, on the other hand, is directed to the ability of a user to manipulate video sequence data using thumbnail frames. The system resulting from combining the references would allow a user to edit still image data stored on a DVD audio disk on a graphical user interface. The question that arises is why would one want to do so? Although the Action states that it would have been obvious to combine these references, Applicants assert that this conclusion is not supported by the evidence in the record.

Legal Standard for Obviousness Rejections Under 35 U.S.C. § 103(a)

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Additionally, there must be a reason why one of ordinary skill in the art would modify the reference or combine reference teachings to obtain the invention. *KSR International Co. v Teleflex Inc.*, 82 USPQ2d 1385 (U.S. 2007).

As described above, there are elements of claim 1 that are simply not found in Lee. Further, as discussed above, there is no legitimate reason to suggest combining Lee with Clapper. As such, the final Office Actions fails to establish a *prima facie* case of obviousness. Claims 1 and 7 are submitted to be allowable for at least this reason.

While Applicants respectfully traverse the rejections presented by the Examiner, in order to expedite prosecution, Applicants have amended independent claims 1 and 7 to more clearly express inventive concepts, and to further distinguish embodiments of the present invention over the prior art. Amended claims 1 and 7 now recite:

“wherein if said total number of index images extracted from the moving image of a predetermined length exceeds a maximum, said regular interval is elongated such that said total number of index images extracted from the moving image of a predetermined length is equal to or less than said maximum;”

Applicants submit that Lee, alone or in combination with Clapper or Shiiyama, fails to teach the above-recited feature. Claims 1 and 7 are submitted to be allowable for at least this additional reason. Further, dependent claims 2, 4-6, 8, 10-11, and 16-17 are submitted to be allowable for at least their dependency from either claim 1 or 7 and/or for the further features claimed therein.

Conclusion

In view of the above amendment and remarks, Applicants earnestly solicit an appropriate notice of allowability. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James M. Alpert, Registration Number 59,926 at (703) 205-8062 to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

Michael R. Cammarata  
Registration No.: 39,491  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant